

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROSARIO SCIBILIA,

Plaintiff,

- v -

VERIZON COMMUNICATIONS, INC, et al.,

Defendants.
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MEMORANDUM AND ORDER

CV-08-4201 (RRM) (VVP)

The parties have submitted a Consent Order and Stipulation Regarding the Confidentiality of Documents and Information for the court's endorsement. The description of the documents and information which counsel may designate to be subject to the order, however, is problematic for several reasons. First, it is vague to the extent it permits counsel to designate as confidential documents and information that they believe to be "sensitive" or "confidential." Second, the order permits documents and information to be designated as confidential simply because a party has a side confidentiality agreement with a third party. These provisions permit the parties to designate as confidential, and therefore subject to the order, without a showing of "good cause" as required by Rule 26(c). Accordingly, the court has declined to enter the order as written. Instead, the court has made modifications to the second numbered paragraph limiting its coverage to proprietary information, trade secrets, and private medical information. To the extent that a party wishes to designate other information for coverage under the Order, an application may be made to the court which describes that information with sufficient specificity to permit the court to determine whether it qualifies for protection, and if the need for protection is not readily apparent from the description of the information, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
July 9, 2009